

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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SIDNEY GORDON,

Plaintiff,

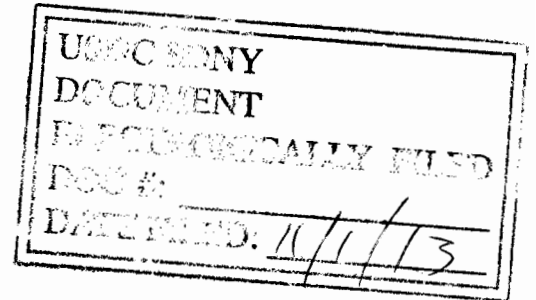
-v-

SONAR CAPITAL MANAGEMENT LLC,
NEIL DRUKER, PRIMARY GLOBAL,
RESEARCH, LLC, THE JOHN DOE HEDGE
FUND(S), and JOHN AND JANE DOES 1
THROUGH 100,

Defendants.
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11 Civ. 9665 (JSR)

ORDER



JED S. RAKOFF, U.S.D.J.

On December 29, 2011, plaintiff Sidney Gordon filed this putative class-action suit alleging violations of the federal securities laws, as well as related state-law claims for unjust enrichment and the avoidance of fraudulent transfers. After having been appointed co-lead representatives of the proposed plaintiff class, Gordon and co-plaintiff Jeffrey Tauber filed an Amended Class Action Complaint on April 24, 2012. On May 15, 2012, defendants Sonar Capital Management LLC, Neil Druker, and Noah Freeman filed motions to dismiss the Amended Class Action Complaint. The Court granted the motions to dismiss "without prejudice to repleading" by "bottom-line" Order on February 8, 2013, explaining its reasons for doing so in an Opinion and Order on June 13, 2013. See No. 11 Civ. 9665, ECF No. 76 at 16. Meanwhile, plaintiffs settled with defendant Freeman. See id., ECF No. 65.

With the Court's permission, plaintiffs filed a Second Amended Complaint on July 22, 2013. See id., ECF No. 79. Defendants Druker and Sonar Capital Management LLC moved to dismiss the Second Amended Complaint on August 30, 2013, see id., ECF No. 81, and the Court heard oral argument on September 26, 2013.

After carefully considering the parties' written submissions and oral argument, the Court hereby denies defendants' motion to dismiss. An opinion explaining the reasons for this ruling will issue in due course. The Clerk of the Court is directed to close item number 81 on the docket of this case.

SO ORDERED.

Dated: New York, NY
October 31, 2013


JED S. RAKOFF, U.S.D.J.